

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

The State of Texas

Plaintiff(s)

v.

U.S. Department of Homeland Security, et al.

Defendant(s)

Civil Action No. 2:23-cv-00055

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) U.S. Border Patrol
 by registered or certified mail to:
 c/o Stephanie Rico, Civil Process Clerk at
 Office of US Attorney- WD of Texas
 601 N.W. Loop 410
 San Antonio, TX 78216-5597

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ryan D. Walters
 Office of the Attorney General
 Special Litigation Division
 PO Box 12548, Capitol Station
 Austin, TX 78711-2548
 ryan.walters@oag.texas.gov

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date:

10/26/23

Philip J. Devlin
 Signature of Clerk or Deputy Clerk



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Civil Action No. 2:23-cv-00055

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* US Border Patrol
 was received by me on *(date)* 10/26/23.

☒ I personally served the summons on the individual at *(place)* c/o Stephanie Rico, Civil Process Clerk at
Office of US Attorney-WD of Texas
601 N.W. Loop 410, San Antonio, TX 78216-5597 on *(date)* 10/30/23; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 10/30/23

/s/ Ryan D. Walters

Server's signature

Ryan D. Walters, Chief for Special Litigation Division

Printed name and title

Office of the Attorney General
PO Box 12548, Capitol Station
Austin, TX 78711-2548

Server's address

Additional information regarding attempted service, etc:

On October 27, 2023, I served this summons, Plaintiff's Original Complaint, Plaintiff's Motion for Preliminary Injunction or Stay of Agency Action and Appendix, and Plaintiff's Emergency Motion for a Temporary Restraining Order or Stay of Agency Action and Appendix; via Certified Mail, Return Receipt Requested - 7004 1160 0000 7305 6235-Delivered 10/30/23.

[FAQs >](#)

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Delivered, Left with Individual

SAN ANTONIO, TX 78216

October 30, 2023, 10:50 am

Out for Delivery

SAN ANTONIO, TX 78246

October 30, 2023, 6:10 am

Arrived at Post Office

SAN ANTONIO, TX 78246

October 30, 2023, 3:06 am

Arrived at USPS Facility

SAN ANTONIO, TX 78246

October 29, 2023, 1:07 pm

Departed USPS Regional Facility

SAN ANTONIO TX DISTRIBUTION CENTER

October 29, 2023, 4:10 am

Arrived at USPS Regional Facility

SAN ANTONIO TX DISTRIBUTION CENTER

October 28, 2023, 2:20 pm

Departed USPS Regional Facility

SAN ANTONIO TX DISTRIBUTION CENTER ANNEX

October 28, 2023, 2:15 pm

Arrived at USPS Regional Facility

SAN ANTONIO TX DISTRIBUTION CENTER ANNEX

October 28, 2023, 9:39 am

Departed USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

October 28, 2023, 8:04 am

Arrived at USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

October 27, 2023, 11:39 pm

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c/o Stephanie Rico, Civil Process Clerk at
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601 N.W. Loop 410
San Antonio, TX 78216-5597

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(Endo)

Total

Sent To

Street, Apt. No.,
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City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Addressee for</p> <p>US Border Patrol c/o Stephanie Rico, Civil Process Clerk at Office of US Attorney-WD of Texas 601 N.W. Loop 410 San Antonio, TX 78216-5597</p> <p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0000 7305 6235</p>	<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>Mail Restricted Delivery</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>